

Floor Statement of the Honorable Fred Upton
Consideration of Amendment to H.R. 2576, as amended by the Senate
May 24, 2016

Today marks a milestone – A milestone for our majority. A milestone for this Congress. And a milestone for the American people as we make great strides to update our nation's chemical safety laws.

Folks said it couldn't be done, especially with Republicans in Congress and a Democratic president. This was a multi year effort that dates back to last Congress. But we took the time, did the hard work, put in countless hours of discussions and negotiations, and it paid off. This legislation will have monumental impacts for commerce, the environment, and public health.

In 1976, under the leadership of Michigan's own President Jerry Ford, TSCA was a novel approach to regulating interstate commercial activity to address unreasonable risks presented by a chemical. It was not meant to examine all chemical manufacturing and use, but rather provide a backstop of protection when suspicions about dangerous chemicals were not being addressed.

In the nearly four decades since TSCA's enactment, there have been persistent concerns about the pace of EPA's work on chemicals, the ability of the agency to meaningfully use its existing authority, and whether the statute prevents certain regulatory efforts. Over the last three years, the House Energy and Commerce Committee has conducted nine hearings on all aspects of TSCA. We learned that there is public confusion about chemical-specific safety claims. We also learned that people think EPA should clear up that confusion and be more diligent on risky chemicals. Finally, we learned that companies and workers were disadvantaged in a domestic and global marketplace where conflicting regulatory standards hamper trade.

Within the last decade, a variety of factors - including EPA's slow pace in regulating chemicals already on the market - have led to several new state chemical control statutes. Some states have passed laws ranging from specific chemical restrictions, to general chemical labeling requirements, like Proposition 65 in California. Meanwhile, some retailers have called out for objective scientific assessment of chemicals in consumer products.

Almost a year ago our Energy and Commerce Committee unanimously reported H.R. 2576 and the House passed it 398 to 1. In December, the other body approved a package of TSCA reforms. The Senate's bill was quite different from the House bill but this compromise agreement includes many of those Senate policy details.

The resolution before us gives EPA more direct tools to obtain testing information on chemical substances, specifying key points in the evaluation and regulatory process where EPA may order testing. In addition, the compromise text reduces animal testing required under TSCA. It restructures the way existing chemicals are evaluated and regulated. The bill clarifies the treatment of trade secrets submitted to EPA. The resolution specifies that EPA must protect trade secrets submitted to it for a renewable period of 10 years. The resolution also creates a new system to claim, substantiate and re-substantiate, review, and adjudicate requests for protection of trade secrets. Finally, it organizes the federal-state regulatory relationship in a way that makes sense for promoting interstate and global commerce, but also recognizes efforts taken by several states. The amendment makes accommodations for some existing state requirements and tort actions as well.

Today, we have a landmark bipartisan, bicameral agreement that makes substantial changes to the existing law. This resolution is supported by a broad coalition of stakeholders, ranging from environmental and public health groups to large and small industrial organizations. It is worthy of all Members' support.

Before I close my remarks, I want to say a word of thanks to my colleagues on the other side of the aisle, Frank Pallone and Paul Tonko. I know the last few weeks have not been a picnic, but you need to know that this is a better bill because of your involvement. But the real impetus behind this whole project has been John Shimkus. Without his leadership, we would simply never have reached this point. I'd also like to thank the dedicated and hard working staff that tirelessly worked to get us to where we are today. Dave McCarthy, Jerry Couri, Tina Richards, and Chris Sarley. Thank you. At times it may not have been a labor of love, but we've got a finished product that will make a real difference.

This bill is good for jobs. It's good for consumers. And it's good for the environment. The most meaningful and impactful update to issues involving environment and the economy that we've had in decades. And it will soon be law thanks to hard work and dedication. A legislative achievement we can all be proud of.